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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,844	02/26/2002	Boris Rabinovich	PAS-171	1768
959	7590	09/20/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			SILVER, DAVID	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,844

Applicant(s)

RABINOVICH ET AL.

Examiner

David Silver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-18 are pending in instant Application.
2. The Examiner respectfully asks the first paragraph be amended to reflect the current US Application Number of the counterpart application.

Examiner Notes

3. The Examiner respectfully suggests modifying claims 4, 5, 6, 11, and 12 to state "CAD application" rather than "CAD program".

Claim Objections

4. Claims 1 and 8 are objected to because of the following informalities:
5. As to claim 1 and 8, the phrase "one of" is written twice. The Examiner respectfully suggests the following correction for the objection: "...can ~~one of one of~~ evaluate, recreate, regenerate, and/or model ..." as specified in Application's abstract.

Appropriate correction is required.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It **was not executed** in accordance with either 37 CFR 1.66 or 1.68.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 8-9 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ari Rappoport, US Patent 6,614,430, "Rappoport" hereinafter.

a. As per claim 1, Rappoport teaches in at least one electronic device, a method of sharing data between a first computer aided design (CAD) application (**source CAD model**) and a second CAD application (**target CAD format**), comprising:

the first CAD application storing the data in the form of feature information and feature history relating to a modeled object (**page 6 paragraph 2 (emphasis added), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20**);

providing the second CAD application with access to the feature information and feature history stored by the first CAD application (**page 14, paragraph 2 and 3 (emphasis added) with emphasis on communication and API that supports inter-process communication**);

and the second CAD application reading the feature information and the feature history stored by the first CAD application, such that the second application can at least one of one of evaluate, recreate, regenerate, and model the modeled object, the feature information, and the feature history (**page 13 last line to page 14 line 2, evaluate ... read**).

b. As per claim 2, Rappoport teaches a method of claim 1, wherein storing comprises placing native data and a sub-set of native data on a recordable medium (**page 9 lines 50 to page 10 line 14**).

c. As per claims 8-9, note the rejections of claims 1-2. Claim 8-9 are functionally equivalent to claims 1-2 and thus are rejected with application of respective teachings in correspondence with the limitations discussed above.

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- d. As per claim 15, Rappoport discloses in at least one electronic device, a method of communicating between a first application and a second application, comprising:
- generating feature information and feature history as an object is modeled in the first application; storing the feature information and feature history (**page 6 paragraph 2 (emphasis added to "providing" and "including"), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20**);
- and utilizing an application program interface (API) to retrieve the feature information and feature history and convey the feature information and feature history to the second application (**page 14, paragraph 2 and 3 (emphasis added) with emphasis on communication and API that supports inter-process communication**).
- e. As per claims 16-18, note the rejections of claims 1, 8, and 15, respectively. Claims 16-18 are functionally equivalent to claim 1, 8, and 15, respectively, and thus are rejected with application of respective teachings in correspondence with the limitations discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ari Rappoport, US Patent 6,614,430, "Rappoport" hereinafter as applied to claim 1 above, and further in view of Kash et al; US Patent 6,542,937, "Kash" hereinafter.

- a. As per claim 3, Rappoport teaches a method of claim 2 (see above rejection). Rappoport however does not substantially disclose that the routines from a first library of executable routines. Kash however discloses an analogous system comprising the above features **(interface may be implemented through the use of a static library of API functions or as dynamic link library, page 14 lines 38-47)**. It would have been obvious to one of ordinary skill in the art <data exchange> to combine the two references to object-oriented methods and data to eliminate the need for generic data files **(Kash: page 8 lines 35-55)** while facilitating compatibility.
- b. As per claim 4 and 5, Rappoport discloses the method of claim 3 (see above rejection). Rappoport however does not substantially disclose the first library of executable routines is embedded within the first CAD program. Kash however discloses an analogous system with the said features **(page 14 lines 38-47 (emphasis added) "should be linked or use the same library of functions" ... executable routines embedded within or accessible by the first CAD program)**. It would have been obvious to one of ordinary skill in the art <data exchange> at the time of Applicant's invention to combine the two references to create a compact (small in size / number of files required) application.
- c. As per claim 6, Rappoport discloses an electronic device having a method of sharing data between a first CAD program and a second CAD program according to claim 1 (see above rejection). Rappoport however does not substantially disclose that an application program interface is provided in the form of a plug-in that is accessible by a second CAD application. Kash however discloses an analogous system having the said features **(page 14 (see**

emphasized section), a linked library (sometimes called a DLL) performs its function as a plug-in into the main executable). It would have been obvious to one of ordinary skill in the art <plug-in design and programming> to combine the features of the two references to create a customizable, scalable and extendable CAD application **(p12 lines 4-6).**

- d. As per claim 7, Rappoport discloses method of claim 6, wherein native data and a sub-set of native data form the feature information and the feature history **(page 6 paragraph 2 (emphasis added), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20).**
- e. As per claims 10-13, note the rejections of claims 3-7. Claims 10-13 are functionally equivalent to claims 3-7 and thus are rejected with application of respective teachings in correspondence with the limitations discussed above (4 in combination with 5 correlate to 11).
- f. As per claim 14, note the rejection of claim 1. Claim 14 is functionally equivalent to claim 1 but for the limitation of "without the first CAD application having to export a file containing the object" which is met by Rappoport's API data transfer teachings (page 13 lines 37-46) that do not necessarily employ a file for conveying the object. Rappoport however does not substantially disclose that an application program interface is provided in the form of a plug-in that is accessible by a second CAD application. Kash however discloses an analogous system having the said features **(page 14 (see emphasized section), a linked library (sometimes called a DLL) performs its function as a plug-in into the main executable).** It would have been obvious to one of ordinary skill in the art <plug-in design and programming> to combine the features of the two references to create a customizable, scalable and extendable CAD application **(p12 lines 4-6).**

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Conclusion

Claims 1-18 are rejected.

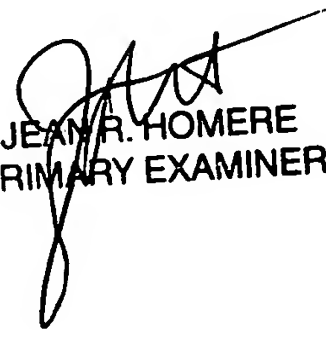
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571)272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Silver
Examiner
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JEAN R. HOMERE
PRIMARY EXAMINER